

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 26 2022 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

LONG ISLAND OFFICE

-----X

RICHARD HERNANDEZ AND STEVE HERNANDEZ,

Plaintiffs,

VERDICT SHEET
CV 17-6919 (GRB)

-against-

THE MONEY SOURCE INC.,

Defendant.

-----X

Based on the legal standards as provided by the Court, and the facts you find from the evidence that has been admitted during the trial, please answer the following:

Part I

First Cause of Action: Fraudulent Inducement

- A. Has each plaintiff established by clear and convincing evidence that defendant made statements which were material and knowingly or recklessly false with the intent that plaintiffs rely on said statements to convince plaintiffs to accept employment with the defendant, that plaintiffs reasonably relied on those statements and that their reliance on such statements caused them harm?

1. Richard Hernandez Yes: _____ No: X
2. Steve Hernandez Yes: _____ No: X

If you answered "Yes," you have found defendant liable on this claim. Please proceed to Part II.

COURT EXHIBIT
7/26/2022

4 17cv6919

Part II

Second Cause of Action: Retaliation Based on Disclosure Issues

A. Did each plaintiff prove by a preponderance of the evidence that defendant's decision to terminate his employment was based in part on objections raised by that plaintiff to defendant's disclosure practices, which they reasonably believed was in violation of the TILA-RESPA disclosure?

1. Richard Hernandez Yes: _____ No: X
2. Steve Hernandez Yes: _____ No: X

If you answered "Yes" as to either or both plaintiffs, please respond to question II.B below. Otherwise move to Part III.

B. Did defendant establish by clear and convincing evidence that defendant would have terminated plaintiffs' employment even in the absence of the objections to defendant's disclosure practices?

1. Richard Hernandez Yes: _____ No: _____
2. Steve Hernandez Yes: _____ No: _____

If you answered "Yes" to II.A and "No" to II.B for either or both plaintiffs, you have found defendant liable on this claim. Please proceed to Part III.

Part III

Third Cause of Action: Breach of Contract as to Unpaid Commissions

- A. Has plaintiff Steve Hernandez established by a preponderance of the evidence that defendant had a contractual obligation to pay commissions subsequent to his termination and failed to do so?

1. Yes: X No: _____

- B. Has plaintiff Richard Hernandez established by a preponderance of the evidence that defendant had a contractual obligation to pay a manager's override commission but failed to do so?

1. Yes: X No: _____

If you answered "Yes" as to either or both plaintiffs, you have found defendant liable as to this claim. Please proceed to Part IV.

Part IVDamages

If you have not found defendant liable on any claim, you have reached a verdict in favor of defendant. The foreperson should sign and date this verdict sheet (one copy only) and return to the courtroom along with the rest of the jury.

If you have found defendant liable on any claim, complete the relevant portions of the damages chart below. Please indicate the amount of damages that plaintiffs have proven they sustained as follows:

	Richard Hernandez	Steve Hernandez
A. Lost Wages (Counts I + II only)	<u>0</u>	<u>0</u>
B. Emotional Damages (Count II only)	<u>0</u>	<u>0</u>
C. Unpaid Commissions (Count III only)	<u>\$1,815.26</u>	<u>\$2,713.36</u>

The foreperson should sign and date this verdict sheet (one copy only) and return to the courtroom along with the rest of the jury.

Dated: July 26 2022

7

Foreperson